

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

Honorable Fredrick E. Clement
Sacramento Federal Courthouse
501 I Street, 7th Floor
Courtroom 28, Department A
Sacramento, California

DAY: MONDAY
DATE: AUGUST 2, 2021
CALENDAR: 1:30 P.M. CHAPTERS 9, 11 AND 12 CASES

RULINGS

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling.

"No Ruling" means the likely disposition of the matter will not be disclosed in advance of the hearing. The matter will be called; parties wishing to be heard should rise and be heard.

"Tentative Ruling" means the likely disposition, and the reasons therefor, are set forth herein. The matter will be called. Aggrieved parties or parties for whom written opposition was not required should rise and be heard. Parties favored by the tentative ruling need not appear. Non-appearing parties are advised that the court may adopt a ruling other than that set forth herein without further hearing or notice.

"Final Ruling" means that the matter will be resolved in the manner, and for the reasons, indicated below. The matter will not be called; parties and/or counsel need not appear and will not be heard on the matter.

CHANGES TO PREVIOUSLY PUBLISHED RULINGS

On occasion, the court will change its intended ruling on some of the matters to be called and will republish its rulings. The parties and counsel are advised to recheck the posted rulings after 3:00 p.m. on the next business day prior to the hearing. Any such changed ruling will be preceded by the following bold face text: **"[Since posting its original rulings, the court has changed its intended ruling on this matter]"**.

ERRORS IN RULINGS

Clerical errors of an insignificant nature, e.g., nomenclature ("2017 Honda Accord," rather than "2016 Honda Accord"), amounts, ("\$880," not "\$808"), may be corrected in (1) tentative rulings by appearance at the hearing; or (2) final rulings by appropriate ex parte application. Fed. R. Civ. P. 60(a) *incorporated by* Fed. R. Bankr. P. 9024. All other errors, including those occasioned by mistake, inadvertence, surprise, or excusable neglect, must be corrected by noticed motion. Fed. R. Bankr. P. 60(b), *incorporated by* Fed. R. Bankr. P. 9023.

1. [21-22404](#)-A-11 **IN RE: PAR 5 PROPERTY INVESTMENTS, LLC**

STIPULATION FOR REMOVAL OF DEBTOR IN POSSESSION RE: CHAPTER
11 SUBCHAPTER V VOLUNTARY PETITION
6-29-2021 [\[1\]](#)

IAIN MACDONALD/ATTY. FOR DBT.

No Ruling

2. [21-20823](#)-A-11 **IN RE: SAN JOAQUIN AIDS FOUNDATION**

CONFIRMATION OF PLAN OF REORGANIZATION FILED BY DEBTOR
6-7-2021 [\[29\]](#)

DAVID JOHNSTON/ATTY. FOR DBT.
RESPONSIVE PLEADING

No Ruling

3. [21-20823](#)-A-11 **IN RE: SAN JOAQUIN AIDS FOUNDATION**

CONTINUED STATUS CONFERENCE RE: VOLUNTARY PETITION
3-9-2021 [\[1\]](#)

DAVID JOHNSTON/ATTY. FOR DBT.

No Ruling

4. [20-23726](#)-A-11 **IN RE: AME ZION WESTERN EPISCOPAL DISTRICT**

CONTINUED STATUS CONFERENCE RE: VOLUNTARY PETITION
7-30-2020 [\[1\]](#)

GABRIEL LIBERMAN/ATTY. FOR DBT.

Final Ruling

This matter is continued to August 16, 2021, at 1:30 p.m. Trustee Golden and his counsel were ordered to file a status report not later than July 26, 2021. Order ¶ 2, May 19, 2021, ECF No. 303. Without a timely status report neither the court, nor parties in interest, can prepare for the status conference. Not later than close of business Friday, August 6, 2021, the trustee shall file and serve a detailed status report. The court will issue a civil minute order.

5. [20-23726](#)-A-11 **IN RE: AME ZION WESTERN EPISCOPAL DISTRICT
[WGG-12](#)**

STIPULATION FOR ENTRY OF ORDER AUTHORIZING EXAMINATION OF
LEWIS CLINTON PURSUANT TO FEDERAL RULE OF BANKRUPTCY
PROCEDURE 2004
7-14-2021 [\[357\]](#)

GABRIEL LIBERMAN/ATTY. FOR DBT.

Final Ruling

The stipulation is approved. The movant shall upload an order, EDC
006-970A or 006-970B.

6. [20-24783](#)-A-11 **IN RE: GREGORY G. SMITH, M.D., A
PROFESSIONAL CORPORATION**

CONTINUED STATUS CONFERENCE RE: VOLUNTARY PETITION
10-15-2020 [\[1\]](#)

ANTHONY ASEBEDO/ATTY. FOR MV.

No Ruling

7. [20-24783](#)-A-11 **IN RE: GREGORY G. SMITH, M.D., A
PROFESSIONAL CORPORATION
[MHK-13](#)**

MOTION FOR COMPENSATION BY THE LAW OFFICE OF MEEGAN, HANSCHU
& KASSEN BROCK FOR ANTHONY ASEBEDO, DEBTORS ATTORNEY(S)
6-30-2021 [\[275\]](#)

Final Ruling

Application: Allowance of Final Compensation and Expense
Reimbursement

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Approved

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ.
P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written
opposition to this application was required not less than 14 days
before the hearing on the application. LBR 9014-1(f)(1)(B). None
has been filed. The default of the responding party is entered.
The court considers the record, accepting well-pleaded facts as
true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th
Cir. 1987).

COMPENSATION AND EXPENSES

In this Chapter 11 case, Meegan Hanschu, counsel for the debtor in possession, has applied for an allowance of final compensation and reimbursement of expenses. The applicant requests that the court allow compensation in the amount of \$4,200.00 and reimbursement of expenses in the amount of \$164.80. The applicant also asks that the court allow on a final basis all prior applications for fees and costs that the court has previously allowed on an interim basis.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by counsel for the debtor in possession in a Chapter 11 case and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on a final basis. The court also approves on a final basis all prior applications for interim fees and costs that the court has allowed under § 331 on an interim basis.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Meegan Hanschu's application for allowance of final compensation and reimbursement of expenses has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on a final basis. The court allows final compensation in the amount of \$4,200.00 and reimbursement of expenses in the amount of \$164.80. The applicant is authorized to draw on any retainer held. The court also approves on a final basis all prior applications for interim fees and costs that the court has allowed under § 331 on an interim basis.

IT IS FURTHER ORDERED that the debtor in possession is authorized to pay the fees allowed by this order from available funds only if the estate is administratively solvent and such payment will be consistent with the priorities of the Bankruptcy Code.

8. [20-24783](#)-A-11 **IN RE: GREGORY G. SMITH, M.D., A**
PROFESSIONAL CORPORATION
[MHK-4](#)

CONTINUED OBJECTION TO CLAIM OF MEMORY REHABILITATION
MEDICAL GROUP, CLAIM NUMBER 1-1
11-6-2020 [\[55\]](#)

ANTHONY ASEBEDO/ATTY. FOR MV.

No Ruling

9. [20-24098](#)-A-11 **IN RE: SLIDEBELTS, INC.**
[RLC-16](#)

MOTION TO APPROVE MANNER OF SERVICE TO EQUITY SECURITY
HOLDERS
7-1-2021 [\[259\]](#)

STEPHEN REYNOLDS/ATTY. FOR DBT.

No Ruling

10. [20-24098](#)-A-11 **IN RE: SLIDEBELTS, INC.**
[RLC-21](#)

MOTION FOR COMPENSATION FOR NORD & ASSOCIATES CPAS,
ACCOUNTANT(S)
7-1-2021 [\[263\]](#)

STEPHEN REYNOLDS/ATTY. FOR DBT.

Final Ruling

Application: Allowance of Interim Compensation and Expense
Reimbursement

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Approved

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this application was required not less than 14 days before the hearing on the application. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

COMPENSATION AND EXPENSES

In this Chapter 11 case, Nord & Associates CPAs has applied for an allowance of interim compensation and reimbursement of expenses. The application requests that the court allow compensation in the amount of \$2,050.00 and reimbursement of expenses in the amount of \$0.00.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by an employed professional in a Chapter 11 case and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on an interim basis. Such amounts shall be perfected, and may be adjusted, by a final application for compensation and expenses, which shall be filed prior to case closure.

TIME AND SERVICE ENTRIES

"Time and service entries are to be reported in chronological order under the appropriate project category. Time entries should be kept contemporaneously with the services rendered in time periods of tenths of an hour." P. March, Hon. Alan M. Ahart & Janet A. Shapiro, *California Practice Guide: Bankruptcy*, Employment and Compensation of Professionals, Insiders, Trustees and Examiners, Compensation Procedure ¶ 4:1366 (Rutter Group December 2020). Here the movant failed to keep time entries in time periods of tenths of an hour. Future entries shall comply with the requirements for time entries.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Nord & Associates CPAs's application for allowance of interim compensation and reimbursement of expenses has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on an interim basis. The court allows interim compensation in the amount of \$2,050.00 and reimbursement of expenses in the amount of \$0.00. The applicant is authorized to draw on any retainer held.

IT IS FURTHER ORDERED that the fees and costs are allowed pursuant to 11 U.S.C. § 331 as interim fees and costs, subject to final review and allowance pursuant to 11 U.S.C. § 330. Such allowed amounts shall be perfected, and may be adjusted, by a final

application for allowance of compensation and reimbursement of expenses, which shall be filed prior to case closure.

IT IS FURTHER ORDERED that the debtor in possession is authorized to pay the fees allowed by this order from available funds only if the estate is administratively solvent and such payment will be consistent with the priorities of the Bankruptcy Code.

11. [21-22404](#)-A-11 **IN RE: PAR 5 PROPERTY INVESTMENTS, LLC**
[DL-2](#)

MOTION TO AUTHORIZE POST-PETITION SECURED FINANCING AND/OR
MOTION TO ENTER INTO POST-PETITION EMPLOYMENT SERVICES
AGREEMENT O.S.T.
7-27-2021 [[37](#)]

IAIN MACDONALD/ATTY. FOR DBT.
WALTER DAHL/ATTY. FOR MV.

No Ruling